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tion at the permanent seat, which could not be accomplished before the assembling of Congress on the first Monday in December, 1800, the date fixed by the initial Act of July 16, 1790, at which all the offices attached to the seat of the Government should cease to be exercised elsewhere.

Discussion by Mr. Justice M. F. Morris.

Mr. Chairman:

There seems to be grave reason for doubt as to the true date of the removal of the seat of Government of the United States to the District of Columbia and, therefore, doubt as to the day to be selected for the centennial celebration of the event. And this doubt is natural enough, since it takes time to remove all the machinery of government from one place to another, and the work cannot be done in a single day, or in a week or a month; and, in fact, in this instance, the work of removal was spread over several months. When, therefore, it is desired to select a day—a special day—as the anniversary of the event, it is not entirely easy to determine the proper day for the purpose; and, after all, for the purpose of expediency, it may be found convenient to take a date that might not technically be the correct one, or a date that might be wholly arbitrary. It seems to me, however, that it may not be impossible to establish the true date with reasonable accuracy and certitude.

If we followed European, or even English, ideas, the day on which President John Adams took up his residence in the City of Washington would be accepted as the date of the establishment here of the seat of Government. In England, at all events before the present century, the place of residence of the monarch who

was the Chief Executive of the Realm, was always regarded as the seat of government; and in former ages that seat of government was very frequently changed. It may be remarked, in passing, that the common impression that the city of London has been for several centuries the capital or seat of government of England is wholly erroneous. The city of London is not now, and never has been, except at rare intervals and for very brief periods, the seat of government of England. For upward of four centuries the English seat of government has been located at Westminster, which down even to about the middle of the present century was a distinct and separate municipality from the city of London, although it is now contained within what is known as the Metropolitan district of London, which is greatly larger than the city of London, properly so called. In the palace of St. James, at Westminster, the Tudors, Stuarts and Hanoverians established their principal place of residence. In Westminster Hall they summoned their Parliaments to assemble. In Westminster they had long established their judicial tribunals. Indeed, the Courts of Law were permanently established at Westminster long before the royal residence was officially located there, or the meetings of Parliament assigned to take place at Westminster Hall. And it was the location of the Courts of Law that ultimately determined the location there of the seat of all the governmental machinery of England.

But our President has no such function in our governmental system as has, or rather once had, the English monarch. The place of residence of our President would not determine the seat of government. Let me suppose that the President's residence was in Georgetown when Georgetown was a separate municipality from Washington, and that Congress met in Wash-

ton; then undoubtedly Washington, and not Georgetown, would have the best right to be regarded as the seat of Government. Let me suppose the conditions reversed, and that Congress met in Georgetown, while the President's residence was in Washington; then Georgetown, and not Washington, would be entitled to be regarded as the Capital City of the Nation.

And by the way, again, the City of Washington is not under the Constitution the seat of Government of the United States. That instrument provides that Congress shall "exercise exclusive legislation in all cases over such district, not exceeding ten miles square, as may, by cession of particular States, become the seat of Government of the United States." The District of Columbia, therefore, and not merely the City of Washington, is the seat of Government of this Union. And this provision of the Constitution would seem to have a very important bearing on the question of date of the establishment of the Federal Government in this District. For it contemplates that the exercise of exclusive legislation here by Congress and the establishment of the seat of Government in this District shall be simultaneous. Now, the first act of exclusive legislation here by Congress was on February 27, 1801, when Congress organized the District of Columbia, established courts here, and enacted what laws should be in force. In a technical and strictly legal sense I presume we should have to accept this date, the 27th day of February, 1801, as the true legal date of the establishment of the seat of Government in this District.

But, while in a legal sense this would probably be regarded as the true date, it would seem that in the popular sense we are justified in the acceptance of an earlier day. It is somewhat like the case of war, which we know frequently commences before there is any for-

mal proclamation to that effect, and frequently comes to an end before there is official recognition of the fact. Can we determine the proper date in the popular sense?

Our Government is three-fold—divided into three great co-ordinate, independent, although inter-dependent, branches—legislative, executive and judicial. We have been most interestingly told this evening how the machinery of these different branches was transferred here at different times during the years 1800 and 1801. The executive departments came first; Congress followed, and then came the judiciary. Shall we regard the seat of Government as having been established when the removal began or when it was consummated? Was it when the President came here to reside, or when Congress first assembled here? Or was it, perhaps, on the day when the Supreme Court first met in Washington? If establishment means not the beginning, but the consummation, as most plausibly it might be argued to mean, then with correctness it could be said that the date of the location here of the seat of Government was the day on which not one, not two, but all the branches of Government were first here together, co-operating in the functions of government. And yet this argument will not commend itself to popular approval; and very properly it will fail of general acceptance.

After all, the legislative branch of government is with us the fountain head of ordinary power. The legislature it is which sets all the others in motion. There is no President until Congress declares him to have been elected. There are no courts until Congress and the President co-operate in the appointment of the judges who are to conduct them. In other words, government begins with the legislative branch; the legislature is the first branch for which provision is made

in the Constitution, and the operations of government begin only when the legislative branch enters upon the performance of its functions.

The logical conclusion from all this is that the seat of Government of the United States was established in this District when Congress met here for the first time, on the 22d day of November, 1800; and the 22d day of November, 1900, will be the true centennial anniversary of such establishment.